

Thursday, January 16, 2020
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

MINUTES
Regular Meeting
Turlock Planning Commission

A. 1. CALL TO ORDER – Vice Chairman Jim Reape called the meeting to order at 6:02 p.m.

PRESENT: Commissioners Jim Reape, Constance Anderson, Matthew Davis, Elvis Dias, Anokeen Varani and Ray Souza

ABSENT: None

2. SALUTE TO THE FLAG

B. APPROVAL OF MINUTES

Vice Chairman Reape noted there were none.

C. ANNOUNCEMENTS

City Attorney Nubia Goldstein requested to change item G.5 ORDINANCE AMENDMENT 2020-01 (Commercial Cannabis Zoning Code Amendments) to be presented before item G.4 CONDITIONAL USE PERMIT 2019-08 FIREHOUSE.

D. PUBLIC PARTICIPATION

Vice Chairman Reape opened the floor for public participation, no one spoke. Vice Chairman Reape closed the floor for public participation.

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

2. DISCLOSURE OF EX PARTE COMMUNICATIONS

Vice Chairman Reape asked the Planning Commission if there were any conflicts of interest or disclosure of ex parte communications. There were none.

F. CONSENT CALENDAR

Vice Chairman Reape noted there were no consent calendar items.

G. PUBLIC HEARINGS

***CONSENT ITEMS**

Vice Chairman Reape noted there were no public hearing consent items.

1. CONDITIONAL USE PERMIT 2019-05 COSTCO WHOLESALE PARKING ADDITION:

Vice Chairman Reape introduced the item. Deputy Director Katie Quintero explained the applicant has requested that this item be continued to the February 6, 2020 Planning Commission Meeting.

Public Hearing: Vice Chairman Reape opened the public hearing. No one spoke. Vice Chairman Reape closed the public hearing.

Vice Chairman Reape called for a motion to continue this item.

MOTION: Commissioner Anderson moved, seconded by Commissioner Diaz to continue Conditional Use Permit 2019-05 to the February 6, 2020 Planning Commission Meeting. Motion carried unanimously.

AYES: Commissioners Davis, Reape, Anderson, Souza, Varani and Dias
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

- 2. CONDITIONAL USE PERMIT 2019-01 KNIGHTS OF COLUMBUS:** Deputy Director Katie Quintero presented the staff report stating the applicant is requesting approval to allow two additional mobile food trucks for a total of three food trucks and a permanent seating area with a canopy at 1030 East Avenue.

Commissioner Reape asked about restrooms for this site and hours of operations.

Deputy Director Quintero answered restrooms are not required for customers only for the operators and the hours of operation have not been limited as part of the use permit.

Public Hearing: Vice Chairman Reape opened the public hearing.

Anthony Silva, applicant, stated this is a nonprofit organization and all the money will go back to the community. He made himself available for any questions.

Hearing no one else, Vice Chairman Reape closed the public hearing.

Vice Commissioner Reape expressed concern with the congestion and noise in the area from the other food trucks.

Commissioner Souza spoke in favor of the project stating the new owners have cleaned up this location.

MOTION: Commissioner Diaz moved, seconded by Commissioner Souza granting approval of Conditional Use Permit 2019-01 (Knights of Columbus Mobile Food Facility Parking), having determined that the project is "Categorically Exempt" from the provisions of CEQA, and that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2020-05. Motion carried unanimously.

AYES: Commissioners Davis, Reape, Anderson, Souza, Varani and Dias

NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

3. AMENDMENT TO CONDITIONAL USE PERMIT 2017-01 COMMERCIAL ARCHITECTURE (MIRAGE BANQUET HALL): Senior Planner Adrienne Werner presented the staff report stating the applicant is requesting approval to amend the previously approved conditional use permit for a banquet hall/event center and future restaurant by reducing the size of the banquet hall from 43,515 square feet to 18,200 square feet. The area identified as future represents a 7,000 square foot restaurant that has not changed in size.

Vice Chairman Reape asked if parking for the restaurant and banquet hall are accommodating both. Senior Planner Werner stated yes, the parking lot will be shared.

Commission Diaz asked about the drive isles in and out of the property. Senior Planner Werner stated they will share the drive isles with right in and right out access.

Public Hearing: Vice Chairman Reape opened the public hearing.

Stacey Wellnitz applicant with Commercial Architecture made herself available for questions.

Buck, adjacent property owner, stated concerns with traffic on W Main and Kilroy Road. He asked if the building will be two stories and what the hours of operation would be.

Applicant Stacey Wellnitz stated it would be one story and will be used primarily for weddings and banquets.

Senior Planner Werner stated the typical hours for banquet halls are 9:00 a.m. to 2:00 a.m.

Hearing no one else, Vice Chairman Reape closed the public hearing.

Commissioner Varani asked if a traffic study was done at this location. Interim Director Nathan Bray answered no, but he will request accident reports from Turlock Police to look into the left hand turn concerns.

MOTION: Commissioner Anderson moved, seconded by Commissioner Varani granting an amendment to Conditional Use Permit 2017-01 (Mirage Banquet Hall), having determined that the project is Exempt from the provisions of CEQA and that the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution 2020-02. Motion carried unanimously.

AYES: Commissioners Davis, Reape, Anderson, Souza, Varani and Dias
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

Item #4 and #5 sequence order was changed per Attorney Goldstein's request.

5. 4. ORDINANCE AMENDMENT 2020-01 (Commercial Cannabis Zoning Code Amendments):

Deputy Director Katie Quintero presented the staff report explaining this is a recommendation to the City Council to amend Title 9 of the Turlock Municipal Code related to land use regulations for commercial cannabis businesses within the Westside Industrial Specific Plan (WISP) by removing the WISP overlay and allowing retail cannabis in the CT & IBP zoning district and allowing testing in IBP.

Commissioner Dias asked what initiated this change and what was its intent. Deputy Director Quintero answered the cannabis businesses were having difficulty to find locations within the current zoning and making changes would provide balance in mixed zoning areas.

Commissioner Reape inquired if all businesses would still come before the Planning Commission. City Attorney Goldstein answered yes, all other requirements and restrictions would still apply.

Public Hearing: Vice Chairman Reape opened the public hearing.

Ron Bridegroom asked Deputy Director Quintero to identify the roads of the new proposal.

Mary Jackson spoke against the changes stating concern with the affects to the community.

Hearing no one else, Vice Chairman Reape closed the public hearing.

MOTION: Commissioner Anderson motioned, seconded by Commissioner Davis determining the proposed project is Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15061(b)(3) of Title 14 of the California Code of Regulations and recommend the City Council approve Ordinance Amendment 2020-01. Motion carried unanimously.

AYES:	Commissioners Davis, Reape, Anderson, Souza, Varani and Dias
NOES:	None
ABSTAIN:	None
RECUSED:	None
ABSENT:	None

4. 5. CONDITIONAL USE PERMIT 2019-08 FIREHOUSE: Deputy Director Quintero presented the staff report explaining the applicant is requesting to open a cannabis retail dispensary in the existing building located at 1601 West Main Street, as allowed in the City of Turlock Cannabis pilot program. History of the cannabis pilot program and site plan were presented.

Captain Steve Williams, Turlock Police Department, stated the background checks have been completed. The Police Department has 41 conditions to be met and is proposing additional changes to all retail businesses conditions as follows:

#10 Delete "Cameras shall be installed and maintained by a third-party installer. A maintenance contract to ensure the continuous maintenance, firmware upgrade, cleaning, calibrating and testing of surveillance equipment shall be maintained. Maintenance through a licensed vendor shall be conducted at least every six (6) months."

#10 Add: A licensed third-party vendor shall inspect the system to insure it is fully operational at the time of installation and annually thereafter

#12 Change the wording from "on- site" to "available within one hour".

#21 Add: "Vending machines may be made available for employee use in areas not accessible to customers.

#31 a. Delete: "The Lobby entrance shall be equipped with an electronically and remotely controlled access control system, doorbell and intercom."

#31 i. Delete the entire line: "All electronically controlled doors will be equipped to disengage to provide for egress from the facility in the event of a fire alarm activation."

#32 a Add: "or stored in a manner approved by the Turlock Police Department."

#32 b. Delete: "\$5,000.00"

#32 b. Add: the amount permitted by the Turlock Police Department based upon the amount of cash registers on site."

#34 Delete the word "any" and change the word "near" to "on" the premises.

Commissioner Dias asked why the change was made to #34.

Captain Williams answered it is not reasonable for businesses to report all crimes in the area, only those on their premises.

Commissioner Souza asked if the security officer will be armed.

Captain Williams stated it is the discretion of each business however, they must be a licensed security guard.

Vice Chairman Reape asked to discuss how they do the background checks.

Captain Williams answered a contracted third party conducted all background checks and live scans. The employees will also be required to go through a permitting process.

Commissioner Anderson asked how the City is working with the Cannabis businesses.

Captain Williams answered staff is holding meetings with operators to discuss conditions and ensure the best for public safety.

Public Hearing: Vice Chairman Reape opened the public hearing.

Devin Stetler, applicant, explained he has opened four dispensaries in other local cities. The location at 1601 W Main St exceeds the 600 feet distance from any schools and increased security has been added. The City has total control and can cancel the business at any time. Revenue receipts for monthly payments made to other cities were shown.

Commissioner Dias expressed concern with the signage at this property.

Devin Stetler stated there is no signage needed to start, all advertisement is done on the website and social media and he will be open for discussion when the sign permit is submitted.

Commissioner Souza asked if the sign permit will come back to the Planning Commission to approve and if the freeway sign can be taken down if not used.

Deputy Director Quintero stated the sign is a legal nonconforming sign. For legal nonconforming signs, it will be approved at staff level and not come back to the Planning Commission unless there is a deviation to the sign ordinance. If the freeway sign has been abandoned for six months or more the Ordinance allows the Director to start the process to require the sign to be removed..

Milt Trieweller stated he was neutral regarding this project but asked the Commissioners to consider basing their decision on what the citizens want.

Ron Bridegroom, spoke against the project stating Turlock is unique and should not pass this through just because other Cities have done it. Noticed people working on this property for over a year and people expressed to him it was a done deal. He expressed concerns that the placement of this business next to a hotel will increase problems with people smoking in the parking lots.

Edward Burton, manager of Evergreen at 1500 W Main Street spoke against the project stating concerns with the increased risk to his employees.

Brandy Gemperle, spoke against the project due to concerns about the safety of the children at Osborn School.

Grace Jackson, fifth grade student at Osborn School, spoke against the project and asked the Commission to not to allow it to open near her school.

Mary Jackson, spoke against the project stating the dispensary is too close to a school. Stated Firehouse has done a great job but it puts the students at risk and asked that it be moved to an industrial area.

Suzanne Houlden spoke against the project explaining parents are trying to look out for the student's wellbeing. She said she emailed comments to Director Quintero and Councilman Esquire and stated the opinion of the TSUD should be given a lot of weight.

Frank Peacock spoke stating he didn't understand the purpose of the 600 feet from the schools. The children do not walk down Main Street to go home.

Mike Warda, spoke in favor of project, stating he was surprised at the comments stating it was a done deal. He explained Firehouse is a clean operator and the Development Agreement requires an annual review if they are not compliant. He explained the hotel will be cleaned up due to the extra security and there are 9000 people from Turlock who are currently going to Ceres to purchase their products. He observed the Osborn school children are either picked up by the bus or car with only 5 children walking down Tully Road.

Ron Roberts property owner of this location, made a Facebook post which showed 80% are for this location. Children's safety is a priority and will have more security at this location.

Brendon Goliwal spoke in favor of the project stating increased security will help the area.

Bob Puffer said is not sure what people are upset about except of the content of what is being sold and stated it is the parent's responsibility to teach the children not to use drugs. He stated there were no security concerns, City Bank is closer to a school and has been robbed four times.

Hearing no one else, Vice Chairman Reape closed the public hearing.

Vice Chairman Reape explained this item is a land use decision. He stated the location is a good option in Turlock. He said he read the letters from other Cities claiming there have been fewer issues since the businesses opened. He also said he visited the site before school and saw no children near the location. He asked staff if they had any information about the walking patterns in this area.

Deputy Director Quintero stated it has not been studied by staff but in looking at the land uses in the area it would seem the walking patterns would primarily be down Tully Road to W Main towards the school. She also let the Commission know Turlock School district is planning to relocate Roselawn School on the other side of the freeway.

Vice Chairman Reape asked where the 600 foot distance come from.

Deputy Director Quintero stated the 600 foot buffer is a State law and the City Council adopted the same standard.

Commissioner Dias asked if staff heard from any adjacent neighbors regarding this project.

Deputy Director Quintero stated only the motel manager.

Commissioner Souza stated of the letters received in the staff report three letters opposed cannabis in general, one letter was from the nearby hotel, speaking against it and five were from citizens concerned with safety issues. He stated the comments from the public show the emotional concerns this type of business brings but added the cameras and videos may be a deterrent to criminals.

Commissioner Anderson asked if staff had reached out to other Cities and school districts in the area.

Commissioner Varani was disappointed Ms Jackson left before the Commissioners discussion to hear all the different aspects being considered. She stated the school is located almost 1000 feet away from this business and the Ordinance only requires it to be 600 feet.

Commissioner Davis stated business only keeps small quantities of product on site so security should be sufficient.

Commissioner Dias explained this process has not been an easy process for the Planning Commission, Turlock is different and this is not a rubber stamp approval. He expressed concerns with the signs and noticed the property and sign has not been used in six months and freeway sign should be removed.

Commissioner Reape asked if a condition could be added regarding the signage.

City Attorney Goldstein answered no, signage requirements are not part of the CUP, the CUP is for the proposed use.

Commissioner Souza asked if a request to take down the sign can be made.

Deputy Director Quintero stated the Planning Commission can recommend staff start the enforcement process.

Commissioner Dias asked how to move forward regarding sign being removed.

City Attorney Goldstein answered the Commission could approve the CUP with changes to TPD requirements and add a recommendation to remove the sign.

Motion: Commissioner Dias moved, seconded by Commissioner Souza to accept Option 1 subject to the Turlock Police Department changes and with a recommendation to remove the existing freeway sign as stated in the provisions of the Municipal Sign ordinance and granting approval to Conditional Use Permit No. 2019-08 (Firehouse) having determined that the project is "Categorically Exempt" from the provisions of CEQA, and that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2020-03. Motion carried unanimously

AYES:	Commissioners Davis, Reape, Anderson, Souza, Varani and Dias
NOES:	None
ABSTAIN:	None
RECUSED:	None
ABSENT:	None

H. OTHER MATTERS

Vice Chairman Reape noted there were none.

I. COMMISSIONER'S CONSIDERATION

Vice Chairman Reape noted there were none.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Vice Chairman Reape noted there were none.

K. COMMISSIONERS COMMENTS

Vice Chairman Reape asked for staff to consider changes to the sign ordinance.

L. STAFF UPDATES

Vice Chairman Reape noted there were none.

M. ADJOURNMENT

Vice Chairman Reape asked for a motion to adjourn the meeting. Motion by Commissioner Anderson and carried unanimously. The meeting was adjourned at 9:16 p.m.

RESPECTFULLY SUBMITTED

Jim Reape
Vice Chairman

Katie Quintero
Deputy Director of Development Services